



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

JUL 12 2012

Shay Lynn M. Harrison
Chief, Environmental Analysis, Branch C
California Department of Transportation District 11
4050 Taylor Street, MS 242
San Diego, CA 92110

Subject: Draft Environmental Impact Statement for the proposed Interstate 5/State Route 56 Interchange Project, San Diego, California (CEQ#20120150)

Dear Ms. Harrison:

The U.S. Environmental Protection Agency (EPA) has reviewed the Interstate 5/State Route 56 Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIS) which the Federal Highway Administration published a Notice of Availability for in the Federal Register on May 18, 2012. The proposed interchange for I-5 and SR-56 would occur on a collective length of 4.6 miles within the City of San Diego and involve the City of Del Mar and City of Solana Beach in the County of San Diego, California.

The DEIS indicates that the California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), prepared the DEIS as the Lead Agency under the National Environmental Policy Act (NEPA).

EPA is a "Participating Agency" (as defined in 23 USC 139 Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)) and a "Cooperating Agency" (as defined in the Council on Environmental Quality's NEPA Implementing Regulations (40 CFR 1508.5)) for this project. Our comments are provided pursuant to NEPA, Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) and Section 309 of the Clean Air Act.

Based on our review, we have rated the DEIS as Environmental Concerns - Insufficient Information (EC-2). A *Summary of EPA Ratings* is enclosed. EPA's concerns, as described in the enclosed detailed comments, focus on: (1) environmental justice; (2) induced travel; and (3) air quality and mobile source air toxics impacts. In addition, we have provided recommendations related to non-vehicular travel and low impact development.

Thank you for the opportunity to comment on the DEIS. When the FEIS is circulated for public review, please send two hard copies and, if available, two electronic copies to the address above (mail code: CED-2). If you have any questions, please contact me (415-947-4161) or Zac Appleton, the lead reviewer for this project (415-972-3321 or appleton.zac@epa.gov) for further coordination on this project.

Sincerely,

A handwritten signature in black ink that reads "Connell Dunning". The signature is written in a cursive, flowing style.

Connell Dunning, Transportation Team Supervisor
Environmental Review Office (CED-2)

Attachments:

Summary of EPA Ratings
EPA's Detailed Comments

cc: Manuel Sánchez, FHWA

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

Category "1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category "2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category "3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

Environmental Justice

The Environmental Protection Agency (EPA) is concerned that Caltrans is assessing environmental justice impacts with outdated census data. The Draft Environmental Impact Statement (DEIS) identifies Census block 83.39.1 in the southwestern edge of the study area as having the highest total minority percentages using Census 2000 data. EPA notes that this block is within 10 percentage points of the threshold identified for determining if it is an area of potential environmental justice concern. EPA is concerned that this Census block may have surpassed this threshold over the intervening years of population growth and economic recession.

Recommendations

- The Final Environmental Impact Statement (FEIS) should include a revised environmental justice analysis using current data, including Census 2010 and the latest American Community Surveys for this area. EPA recommends community engagement and identification of mitigation measures to reduce impacts if disproportionately high and adverse human health or environmental impacts on minority or low-income populations are likely to result from the proposed action and any alternatives.
- If the Census data continues to prove too difficult to reach an environmental justice determination, EPA recommends Caltrans and FHWA conduct a statistically-representative survey of households in this Census block.

Induced Travel

The DEIS discusses the indirect and cumulative growth effects for areas of the County but does not connect these growth patterns to balancing travel choices or cumulative greenhouse gas emissions. The DEIS analyzes congestion relief for highway travel with the various build alternatives, but does not forecast changes to local road traffic with the build alternatives, in line with projected population, housing and job growth for the Del Mar/Mira Mesa area (Table 1-3). The DEIS assumes local travelers will benefit from fewer interregional vehicles on local roads, but does not analyze if this will induce travel demand and its associated impacts. Air quality improvements from better connected highways may rapidly decline from static or worsened local road congestion.

Recommendations

- The FEIS should assess the extent to which the proposed project generates traffic and/or induces travel demand, particularly from the expected North City future urbanization area and proposed Del Mar Heights Road improvement. The FEIS should include an estimate of short- and long-term improvements to congestion as well as any potential for increased congestion over time. Further, the FEIS should clearly indicate how long-term congestion reducing benefits will be realized if modeling predicts that travel demand and traveler behavior may lead to the same or similar congestion challenges faced today. This is particularly important due to the travel time benefits that the project seeks to achieve. The induced travel demand and generated traffic analysis should include identification of data

sources, modeling and assessment assumptions, and any other factors that affect the FEIS conclusions.

- Caltrans and FHWA should use DOT's Transportation and Climate Change Clearinghouse (<http://www.climate.dot.gov/about-the-center.html>) for relevant resources and models to determine cumulative greenhouse gas growth from the alternatives identified for the project, and propose mitigation measures to offset greenhouse gas emissions where feasible.

Air Quality

The proposed project is located in an area that is in non-attainment for the NAAQS for 8-hour Ozone standard. The DEIS makes a few technically inaccurate statements that EPA recommends be corrected in the FEIS

Recommendations:

- On page 3.15-2, the DEIS explains the San Diego Air Basin's (SDAB) Regional Air Quality Attainment Status as "basic" nonattainment. The DEIS further states that this classification is the least severe on a scale of six degrees of ozone nonattainment. This is inaccurate. EPA has classified San Diego as being in moderate nonattainment for the 1997 ozone NAAQS. EPA recommends the sentence explaining the six degrees of ozone nonattainment be removed. Instead, the ozone nonattainment issue is correctly discussed further in the paragraph regarding the San Diego Air Pollution Control District (SDAPCD) Air Quality Plan.
- Regarding the 2009 air attainment plan submitted by the SDAPCD, Caltrans and FHWA should reference the May 14, 2012 (77 FR 28424) final action published by EPA.

Mobile Source Air Toxics

EPA appreciates that the DEIS used the latest FHWA guidance and EPA air modeling tools for MSAT analysis, and that sensitive receptors near the proposed project are listed in Table 3.15-4. EPA recommends that revisions to the DEIS also discuss the project's MSAT impacts in the context of these specific sensitive receptors and including information and locations for the closest residential areas, including any environmental justice communities identified through updated surveys.

EPA disagrees with the statement in the DEIS on page 3.15-18 that "...uncertain science with respect to health effects prevent meaningful or reliable estimates of MSAT emissions and effects of the proposed project."

Recommendations:

- EPA recommends the FEIS correctly represent the routinely-used tools and models for MSAT analysis. Both EPA and California Office of Environmental Health Hazard Assessment (OEHHA) have long-standing experience and published, peer-reviewed guidance for evaluating long-term health effects, including cancer risk. EPA has published an Air Toxics Risk Assessment Reference Library (http://www.epa.gov/ttn/fera/risk_atra_main.html) that addresses how to develop appropriate exposure scenarios in a risk assessment.

Similarly, California OEHHA has hot spot risk assessment guidance published in support of California's Air Toxics "Hot Spots" Information and Assessment Act of 1987 (a.k.a. AB2588 http://www.oehha.ca.gov/air/hot_spots/pdf/HRAguidefinal.pdf). While we agree that there are always uncertainties associated with such an analysis, for this project, most uncertainties would be consistent across alternatives and the analysis can best inform mitigation.

State Route 56 Bikeway

EPA is concerned that "Complete Streets" non-vehicular travel choices are not fully addressed by the DEIS. The DEIS forecasts increased movement of people and goods locally and regionally, but does not analyze how this growth is compatible with existing non-vehicular travel facilities, and community expectations of safe, efficient, and convenient links that encourage bicycling, walking, and mass transit use. As the San Diego Regional Bike Map (<http://www.icommutesd.com/Bike/BikeMap.aspx>) indicates, the suggested bike routes on Carmel Valley Road, Del Mar Heights Road, and others are along the same roads and intersections in the project area that may see increased volume and speed of vehicular traffic, increasing potential safety hazards or delay. The DEIS does not fully analyze the opportunity for the SR56 Bikeway to safely reduce local vehicular traffic congestion, and support the project's purpose of improving travel time and providing "a facility that is compatible with anticipated future transit and other modal options." The US Department of Transportation's Policy on Bicycle and Pedestrian Accommodation (<http://www.dot.gov/affairs/2010/bicycle-ped.html>) notes that "every transportation agency, including (US) DOT, has the responsibility to improve conditions and opportunities for walking and bicycling and to integrate walking and bicycling into their transportation systems."

Recommendations

- The FEIS should include additional design elements within the project's community impact area that establish and improve bicycle and pedestrian access. In particular, EPA recommends Caltrans analyze an option to directly connect or improve such a direct connection between the westernmost end of SR56 Bikeway to Sorrento Valley Road immediately across from the elevated I-5 Highway. Such an option could support ridership on the Coaster train at Sorrento Valley Station.
- The FEIS should further discuss the role of the Local Coastal Program Deferred Certification for the area incorporating State Route 56 Bikeway and the larger I-5 Bikeway Plan to improve non-vehicular transportation choices in San Diego County. In particular, the timing of these expected improvements can be discussed with respect to this interchange project.
- The FEIS should clearly identify how this project will be integrated with the I-5 Bikeway Plan that is being proposed with the larger I-5 North Coast Corridor expansion project.

Land Disturbance and Water Impacts

The DEIS identifies the Auxiliary Lane Alternative (Alternative 3) as the build option with the least amount of disturbed soil (30.6 acres) and least amount of impervious surface (12.4 acres) added. Alternative 3 also has the least potential of disturbing contaminated groundwater.

Recommendations

- EPA encourages alternatives that meet the purpose and need of the project with fewest impacts to the environment. In the FEIS, confirm that all measures to reduce the amount of additional impervious surfaces have been incorporate into each alternative. In addition, EPA recommends avoiding contaminated groundwater if feasible.

Sustainable Materials and Low Impact Development

EPA commends Caltrans for including bio-swales, retention, and infiltration basins as part of the stormwater control measures in the proposed build alternatives. EPA encourages Caltrans to use more low-impact development best practices

(<http://www.dot.ca.gov/hq/LandArch/ec/references/nchrp/Guidelinesmanual.pdf>), and sustainable materials (<http://www.dot.ca.gov/hq/esc/soe/section90/Guide-for-the-Design-and-Inspection-of-Concrete.pdf>) where practical. For example, pervious concrete and pavement on secondary access roads or along the banks of major roadways can improve stormwater management, while supplementary cementitious materials could be used into retaining walls and precast concrete pavement sections. These methods can improve the lifecycle environmental value of the project without diminishing material performance.

